

ENTERED

January 24, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:**THOMAS SAN MIGUEL, JR.****and****TIFFANY DAWN SAN MIGUEL,****Debtors.****JOHN ABUAN****and****CONSTANCE ABUAN****and****STEVE STRICKLAND****and****JAMES TOLBERT****and****SRINI KATTA****and****JENNIFER CAMERON****and****WILLIAM M HOWARD****and****VIRGINIA HOWARD****and****JERI BLAKE****and****RON TUCKER****and****SOFIA RUAS****and****GUISEPPI LIBERATI****and****RON KRAJENKE****and****BART VOSSEN****and****DONALD NELMS****and****MADELINE LOPERENA****and****JOE HOSTETLER****and****CASE NO: 22-32820****CHAPTER 7****ADVERSARY NO. 22-3310**

LEE LU
and
FEI LIU,

Plaintiffs,

VS.

THOMAS SAN MIGUEL, JR.,

Defendant.

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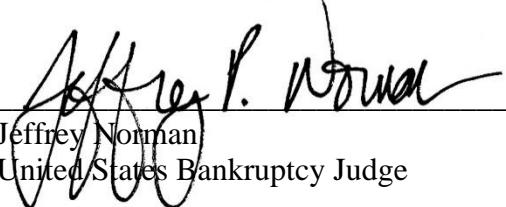
ORDER DISMISSING CASE AND CANCELING STATUS CONFERENCE

This Court entered an order on January 3, 2023, requiring plaintiffs to effectuate service on the defendant on or before January 23, 2023, pursuant to Federal Rule of Civil Procedure 4(m).¹ The clerk issued summons on Thomas San Miguel on January 5, 2023.² However, the plaintiffs have failed to execute the summons as ordered.³ Therefore, this case is dismissed.

ACCORDINGLY, IT IS ORDERED that the status conference scheduled for January 25, 2023, is canceled.

IT IS FURTHER ORDERED that this adversary is dismissed.

SIGNED 01/24/2023



Jeffrey P. Norman
United States Bankruptcy Judge

¹ FRCP 4(m) requires “Time Limit for Service. If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—**must** dismiss the action without prejudice against that defendant or order that service be made within a specified time.” The 90 days after filing the complaint has expired and the Court had already previously ordered service on January 3, 2023.

² ECF No. 6

³ There is no return of service on CM/ECF.